

**City of Taylorsville**  
**SPECIAL CITY COUNCIL MEETING AND WORK SESSION**  
*Minutes*

**Wednesday, October 12, 2005**  
**Council Chambers**  
**2600 West Taylorsville Blvd.**  
**Taylorsville, Utah 84118**

**Attendance:**

Mayor Janice Auger

**Council Members:**

Chairman Russ Wall  
Vice-Chairman Morris Pratt  
Council Member Bud Catlin  
Council Member Les Matsumura  
Council Member Jerry Rechtenbach

**City Staff:**

John Inch Morgan, City Administrator  
John Brems, City Attorney  
Mark McGrath, Community Development Director  
Gerry Orr, City Finance Director  
Cheryl Peacock, Deputy Recorder  
Robin Kishiyama, Council Coordinator  
Larry Marx, Police Chief  
Don Adams, Economic Development Director  
Mike Maloy, City Planner  
Dan Udall, City Planner

**Excused:** Virginia Loader, City Recorder

**Others:** Sharon Wall, Boyd Hanson, Sherri Hanson, Katie Larsen, Roxanne Murray, Russell Dow, Barry Tripp, Barbara Gardner, Keith Sorensen, Jerry Milne, Kristie Overson, Lu Wells, Chris Wells, Ed Deffner, Nadine Bone, Chuck Borshani, Jeanne Borshani, David Torres, Maria Torres, Linda Shields, Don Patten, Barbara Kendall, Markine Wright, Esther Halliday, W. John Taylor, Louis Schaller, Jennifer Porter, Sheryl Petersen, Blaine Petersen, Craig Young, Debra Young, Ric Morley, Roy Moffat, George Ott

**SPECIAL CITY COUNCIL MEETING**

18:01:47 Chairman Russ Wall called the Special City Council Meeting to order at 6:01 p.m. and welcomed those in attendance.

- 1. Public Meeting to Receive Neighborhood Input Concerning the Future Use of the State Owned Land Adjacent to the Jordan River at Approximately 4900 South**

Barry Tripp, from Utah State Forestry, gave background on his agency and described issues that they are responsible for. He explained that their agency would like to partner with the City regarding some land that was deeded several years ago by Ivory Homes (about 9+ acres) adjoining the Jordan River (south of 4800 South) to the State as part of their subdivision approval process for one of the small developments they built out as residential. He relayed that the State wants to know if the City would be interested in using the property as open space (park, trail, etc.) There would be no cost to acquire the property or the usage, other than whatever the required legal fees are to be sure it is done properly. The City would take over the maintenance and certain liability. A 3-year general permit would be issued, with certain restrictions and plans to renew that permit in three years.

Mr. Tripp displayed the subject area on the overhead and described the property. He then addressed questions from the Council.

14:14:13 It was clarified that the property will probably not be used for anything other than open space. It was determined that Salt Lake County owns the area south of the road.

14:18:02 Chairman Wall noted that residents who live near the area were invited to give public input during this meeting. He acknowledged those who were in attendance and invited any who were desirous to come forward and give comment.

14:18:46 **Jerry Milne** stated that he is excited about using the parcel to develop something good, such as a nature type of park. He stated that he is an advocate for a trail on the west side of the river.

14:22:10 **Roy Moffat** stated that he thinks park development is positive. He suggested formulating a committee to look into different possibilities for developing the area.

14:23:45 **Roxanne Murray** stated that she would love to have a playground within walking distance of her home, with some sort of path that is kept natural.

14:25:30 **Ed Deffner** cited natural aspects of the area and wildlife habitat that is there. He noted that the neighboring land in question is owned by the State. He suggested that the area be left well enough alone.

14:35:58 **Russ Dow** said that he loves the natural state of the property, but a playground would be terrific and a pathway to the parkway would be desirable. He notes that he has heard gunshots going off from the subject area during the summer.

14:36:24 **Sheri Hanson** stated that she presently serves as the Home Owners Association President for Ivory Homes and, as such, has received a lot of input from residents. She said that

the subject area is inundated with weeds, drugs, pornography and poaching. She stated that she would like to see the area developed somewhat but also would like to have the area close to the river preserved for wildlife. Ms. Hanson said that the neighbors do not want congestion in the area.

Council Member Rechtenbach noted that a 9-acre park is bound to attract the public and may create some congestion.

14:40:14 **David Torres** stated several concerns, i.e. providing access to the park and the potential of more traffic coming to the area. He cited several problems with home break-ins and vehicle theft that he has experienced personally.

14:42:02 **Chuck Borsoni** stated concerns with conserving the natural aspects of the area.

14:43:09 **Maria Torres** provided documentation regarding personal losses that her family has experienced as a result of home and auto break-ins, totally about \$30,000.00. She described types of criminal activity that presently occur in the area.

14:45:12 Council Member Pratt suggested implementing directed enforcement from Taylorsville Police Department in the area.

14:45:57 **Lu Wells** described the history of problems in the area. She stated her love for the wildlife. She would support an additional path, but doesn't want a big park in her backyard.

14:46:53 **George Ott** stated that he has a degree in wildlife management and has done research on urban wildlife. He suggested improving the area to the point that school children, through Plymouth Elementary, can have learning experiences. He recommended keeping the area as wild as possible, but creating some paths.

14:48:10 **Chris Wells** expressed concerns about upkeep, lighting, fencing, garbage, etc. He cited concerns with criminal activity at other trailheads in the valley.

14:49:17 **Debra Young** said that she hates to see the area directly behind her home disturbed. She wants to protect the wildlife and habitat in the open space.

14:50:18 Mr. Torres made additional comments about the marked decrease in animal life in the area since the trailhead was built last summer. He asked the Council to consider the potential impact on the eco system.

15:19:51 Chairman Wall read a letter submitted from a resident who was unable to attend the meeting, Gina Rickey. She suggested making the area into a walking park. She cited safety concerns and stated that a walking park would be detrimental to criminal activity.

15:21:23 Mayor Auger asked for some specific direction from the Council on how to proceed.

15:27:00 Chairman Wall asked those residents in attendance to indicate by a raise of hands whether they were for or against the City taking control of the open space. The vote was about 50/50.

Mayor suggested combining representatives from the LARP Committee and also some neighbors to sit on a committee.

Mr. Tripp said that the State is comfortable with time being taken to decide what to do with the property.

15:29:00 **Jean Borsani** stated that what would benefit the neighborhood is having the City Police Department take responsibility and become more active in patrolling the area.

Kristie Overson, from the Taylorsville Planning Commission, suggested getting the necessary reports from agencies that need to be considered. She stated that she is willing to sit on a committee as a representative of the Planning Commission.

It was determined that the City will go forward in putting together a steering committee to formulate ideas for the subject property and then bring back recommendations to the Council.

**2. Discussion of Appeal Filed by Mr. James Allred with Prolifica Development Regarding Conditions of the Planning Commission's Preliminary Approval of the Taylorsville Townhomes Development (PUD) Located at 1300 West Winchester Street – Mark McGrath**

19:03:43 Community Development Director Mark McGrath opened discussion on an appeal that was filed by Prolifica Development and described the subject property. He cited three specific conditions that are being appealed by the applicant. Mr. McGrath noted some misunderstandings that occurred between the Planning Commission and the applicant. He said that he heard earlier today that an alternate site plan is being developed.

19:09:52 Mr. McGrath addressed questions from the Council. He stated that it might be more appropriate for this matter to go back to the Planning Commission to work out now that a new plan is being submitted. He clarified that the applicant's appeal rights would still be preserved.

19:12:54 Mr. McGrath made further explanation on the basis for conditions placed by the Planning Commission. Density requirements were clarified.

19:17:08 Jim Allred, applicant, made explanation regarding the density proposed on the site plans. He stated that he is comfortable in going back to the Planning Commission and working through issues rather than proceeding with the appeal.

19:21:36 Council Member Rechtenbach posed questions about setbacks. Mr. McGrath indicated that setbacks required by City ordinance are 15 feet either way.

19:22:15 Council Member Bud Catlin **MOVED** to remand the appeal back to the Planning Commission. Council Member Pratt **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-yes, and Rechtenbach-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

3. **Ordinance No. 05-48 – Amending Title 2, Chapter 16, Subsection 030 by Adding Paragraphs D, E, F and G Prohibiting the Restriction of Communication with Elected Officials – Council Chair Wall**

19:23:09 Council Chairman Wall stated that the subject ordinance was passed by the City Council approximately three weeks ago, was subsequently vetoed by the Mayor, and should have been up for reconsideration by the Council at the next scheduled meeting. Chairman Wall apologized to the Council for dropping this matter from the agenda at the previous meeting. He stated that there is some question as to the legality of the ordinance. He asked City Attorney John Brems to address specific potential instances when the ordinance might generate harm to the City Council.

19:25:04 Mr. Brems discussed unintended consequences. He stated that Paragraph D in the ordinance could possibly be violating the Council's policy to limit public comments to two minutes and would then be a violation of free speech. He noted concerns over trying to bind a future City Council. Mr. Brems described potential problems in the event that an employee decides to pursue grievance procedures.

19:31:24 Mr. Brems described his ideas for fixing the ordinance to eliminate unintended consequences.

19:33:33 Mr. Catlin expressed his concerns.

19:35:53 Mr. Brems reviewed his specific suggestions and addressed questions of the Council.

19:46:53 Lengthy discussed ensued.

19:59:26 Council Member Bud Catlin **MOVED** to adopt Ordinance No. 05-48 – Amending Title 2, Chapter 16, Subsection 030 by Adding Paragraphs D, E, F and G Prohibiting the Restriction of Communication with Elected Officials, as originally written. The motion died for lack of a second.

20:03:06 Mr. Brems noted some words that need to be changed.

20:03:37 Mayor Auger suggested getting some input from Craig Bott on this matter.

20:04:14 Council Member Morris Pratt **MOVED** to adopt the ordinance as written by Mr. Brems; however taking out “employment related matters or/are” in both paragraphs D and E; restoring the strike-out language on D, “or privilege in accordance with Utah State Law;” putting back in under E “or privilege in accordance with Utah State Law;” and in F, removing “to an elected official that is a matter of public concern” and reinstating “protected by this section.” Chairman Russ Wall **SECONDED** the motion. Chairman Wall called for discussion on the motion. More discussion on the matter ensued and questions were addressed by Mr. Brems.  
20:14:05 Chairman Wall then called for a roll call vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-no, and Rechtenbach-no. **The motion passed with a 3 to 2 vote.**

20:15:46 Council Members Matsumura and Pratt explained their votes.

20:16:30 Mayor Auger noted that her original concerns may still not have been addressed and indicated that she will be reviewing the ordinance once again and acting accordingly.

20:17:02 Council Member Bud Catlin **MOVED** to adjourn the Special City Council Meeting and convene the Work Session at 8:17 p.m. Council Member Pratt **SECONDED** the motion. Chairman Wall called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-yes, and Rechtenbach-yes. **All members of the City Council were in favor and the motion carried by a unanimous vote.**

## **CITY COUNCIL WORK SESSION**

20:17:11 Chairman Wall called the City Council Work Session to order at 8:17 p.m. and welcomed those in attendance.

- 1. Discussion of Fund Raising Activities and Reporting by Various Citizen Committees and User Groups – *Mayor Auger***

20:17:19 Mayor Janice Auger relayed that it has come to the City's attention that some user groups are collecting monies and raising funds under the auspice of collecting for the City. She stated that the Administration is doing everything in its power to stop this type of activity. The Mayor noted the potential for future problems with auditors in this regard.

20:19:41 Council Member Rechtenbach inquired about the specific offending groups and Mayor Auger indicated that there has been a problem with the Off-Leash Group and also the Community Garden Club.

20:22:16 Mr. Rechtenbach asked the Mayor to e-mail him regarding specific situations, so that they might be addressed in the next LARP Committee Meeting.

It was agreed that each committee should reconcile funds and play by the rules.

20:25:08 It was noted that City Administrator John Inch Morgan has talked to Dave Goddard and Tony Maguire regarding in-kind donations and the need to follow the right procedures.

## **2. Discussion Concerning Policy Direction for Common Problems in the Code Enforcement Process – *Mark McGrath***

20:26:35 Community Development Director Mark McGrath called for a continuation of last week's discussion regarding policy direction for common problems in the code enforcement process. Mr. McGrath listed specific problems and made some suggestions.

20:30:54 Council Member Rechtenbach stated that he doesn't agree with using Salt Lake Co. Public Works to help with code enforcement related issues.

Common code enforcement problems were discussed, beginning with Item # 4 on the list provided by Mr. McGrath, as follows:

- 20:26:51 4. Abatement Service Providers
- 20:39:29 5. Repeat Offenders
- 20:45:25 6. Proving Certain Violations
- 21:05:10 7. Dangerous Situations
- 21:11:32 8. Temporary Signs
- 21:25:54 9. Communication with the Court
- 21:26:05 10. Poorly Written/Inadequate Ordinances
- 21:28:12 11. Violations on Properties Under Foreclosure
- 21:37:52 12. Absentee Landlords
- 21:38:51 13. Sensitive/Special Needs Situations
- 21:39:51 14. Driveway Widths

### **3. Presentation of Code Enforcement 3-Month Action Plan Report – *Mark McGrath***

22:02:06 Community Development Director Mark McGrath noted that October 12<sup>th</sup> is the deadline that was established by the City Council back in July for presentation of the Code Enforcement 3-Month Action Plan. He distributed a report for the Council's review outlining 20 "action steps" for code enforcement.

22:04:36 Council Member Pratt asked that some open violations in one particular district be re-addressed. He stated that he has looked at them personally and thinks they've been satisfied. Mr. McGrath will follow up on these violations with the City Planner involved.

22:09:30 Mr. Catlin asked Mr. McGrath to notify him when action is taken on 1300 West.

### **4. Other Matters**

22:10:34 Council Member Catlin stated that a Public Safety Meeting regarding Emergency Preparedness is scheduled on November 3, 2005, at 6:00 p.m., at the Emergency Operations Center. It was noted that there is a conflict that night due to the Exchange Club's Meet the Candidates Night that is scheduled for the same date. Mr. Catlin will investigate rescheduling the Emergency Preparedness Meeting, with the assistance of Council Coordinator Robin Kishiyama.

### **5. Adjournment**

22:11:55 Council Member Matsumura **MOVED** to adjourn the Work Session. Council Member Catlin **SECONDED** the motion. Chairman Wall called for discussion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-yes, and Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 10:11 p.m.

---

Virginia Loader, City Recorder

Minutes approved: CC 11-02-05

*Minutes Prepared by: Cheryl Peacock*